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 JPMorgan Chase Bank, N.A., as successor  
 by merger to Chase Home Finance LLC, and  
 Mortgage Electronic Registration Systems, Inc.,

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

JOSEPH A. GUERRA,	) CASE NO. 2:10-cv-00029-KJD-RJJ
	)
Plaintiff,	)
	) <b>REPLY IN SUPPORT OF MOTION OF</b>
v.	) <b>JPMORGAN CHASE BANK, N.A. AND</b>
	) <b>MORTGAGE ELECTRONIC</b>
JUST MORTGAGE INC.; CHASE EHOME	) <b>REGISTRATION SYSTEMS, INC. TO</b>
FINANCE; MERS and DOES 1-10,	) <b>STRIKE PLAINTIFF'S SECOND</b>
	) <b>AMENDED COMPLAINT (DOCKET NO.</b>
Defendants.	) <b>119)</b>
	)

Defendants JPMorgan Chase Bank, N.A., as successor by merger to Chase Home Finance  
 LLC ("Chase"), and Mortgage Electronic Registrations Systems, Inc. ("MERS") (collectively,  
 "Defendants"), by and through their undersigned counsel, hereby reply to the Objection (the  
 "Objection") to their Motion to Strike Plaintiff's Second Amended Complaint (the "Motion to  
 Strike") filed by Plaintiff Joseph A. Guerra. As set forth in the Motion to Strike, Plaintiff's  
 Second Amended Complaint must be stricken because it has been filed without Defendants'  
 consent or the court's leave, as required by Fed. R. Civ. P. 15(a)(2).

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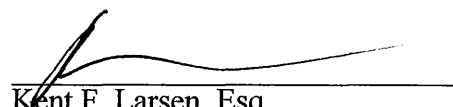
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1 In response to the Motion to Strike, Plaintiff appears to argue that he submitted the Second  
 2 Amended Complaint pursuant to L.R. 15-1(a). (*See*, Objection, pp. 1-2.) However, Plaintiff  
 3 could have submitted a proposed amended complaint as an exhibit to his motion to amend without  
 4 actually filing the amended complaint. Instead, he has prejudiced Defendants by filing the  
 5 Second Amended Complaint without any leave of this Court to do so, and the improper filing must  
 6 be stricken.  
 7

8 The remainder of Plaintiff's Objection contains arguments that are irrelevant to deciding  
 9 the Motion to Strike, and, indeed, are irrelevant to this entire action. First, Plaintiff appears to  
 10 argue that Chase does not have authority to foreclose on his property. (*Id.*, pp. 2-3.) However,  
 11 this argument is wholly irrelevant, given that Plaintiff's wrongful foreclosure action was dismissed  
 12 with prejudice nearly two years ago. (*See* Order, dated November 22, 2010, Docket No. 51, pp.  
 13 6.) Second, Plaintiff asserts that Defendants have committed fraud upon this Court. (Objection,  
 14 p. 3.) Again, any fraud allegations are irrelevant in this action because Plaintiff's fraud claims  
 15 have also been dismissed with prejudice. (*See*, Order, dated November 22, 2010, Docket No. 51,  
 16 pp. 7.) Moreover, in any event, Plaintiff's arguments provide no sustainable basis for the filing of  
 17 the Second Amended Complaint. Accordingly, the Motion to Strike must be granted, and  
 18 Plaintiff's Second Amended Complaint must be stricken from the Court's record.  
 19  
 20

21 DATED this 19 day of November, 2012.

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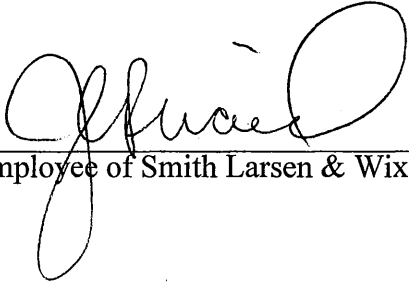
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 Mortgage Electronic Registration Systems, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 19, 2012 a true copy of the foregoing **Reply in Support of Motion of JPMorgan Chase Bank, N.A. and Mortgage Electronic Registration Systems, Inc. to Strike Plaintiff's Second Amended Complaint (Docket No. 119)** was filed electronically via the court's CM/ECF system and served either electronically or by mail, postage prepaid, to the following as noted:

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